

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

(Hearing and Oral Argument Waived)

**DEFENDANTS' MOTION TO SUBMIT EXHIBITS TO COX'S POST-TRIAL
RESPONSE BRIEF REGARDING DERIVATIVE WORKS ON A HARD DRIVE
RATHER THAN BY ECF**

PURSUANT to Rule 5(d)(2)(A) of the Federal Rules of Civil Procedure, Defendants Cox Communications, Inc. and CoxCom, LLC (collectively, "Cox"), respectfully move this Court for an order allowing Cox to file the exhibits to its Post-Trial Response Brief Regarding Derivative Works on a hard drive, rather than by ECF. In support, Cox states as follows:

1. This case has been designated for electronic case filing ("ECF"). Subject to "reasonable exceptions," all pleadings, motions, and papers in an ECF case must be filed by electronic means. Fed. R. Civ. P. 5(d)(3).
2. Cox intends to file its Post-Trial Response Brief Regarding Derivative Works on or before August 3, 2020 and seeks to file numerous exhibits in support thereof.
3. Because of the number of exhibits, it is more practical to file the exhibits with the Court on a hard drive, rather than through the ECF system.
4. Thus, Cox seeks leave to file the exhibits to Post-Trial Response Brief Regarding Derivative Works on a hard-drive, which will be delivered directly to the Clerk for filing.

5. Under the Rules, the Clerk “must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice.” Fed. R. Civ. P. 5(d)(4). Cox seeks an order allowing the Clerk to accept the hard-drive for filing with the judicial record in this case.

6. Plaintiffs consent to Cox’s request made herein.

7. A proposed order allowing this relief is submitted herewith.

For the reasons stated above, Cox asks this Court for entry of the attached order.

Dated: July 29, 2020

Respectfully submitted,

s/ Thomas M. Buchanan

Thomas M. Buchanan (VSB No. 21530)

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CERTIFICATE OF SERVICE

I certify that on July 29, 2020, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notifications to ECF participants.

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